State of Alabama
The Alabama Board of Electrical Contractors
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7232
Fax (334) 263-6115
www.aecb.alabama.gov

MINUTES
Board Meeting
May 20, 2024

The Alabama Board of Electrical Contractors met on Monday, May 20, 2024, at 3300 Cahaba Road, Suite 320, in Birmingham, Alabama. Board members in attendance were Mr. Jeremy Atchley (Board Chair), Mr. Shon Rogers (Board Vice Chair), Mr. Terry Wallace (member), Mr. Robert Lamborne (member), Mr. Theodore Blunt (member), Mr. Johnny Grimes (member), Mr. Mac McCreless (member), and Mr. Ben Freeman (member). One vacancy exists on the Board. Others present were Mr. Keith Warren (Executive Director), Mrs. Hendon Coody (Board General Counsel), Mr. Randy Barrows (Board Administrator), Mr. Mike James (Investigator), Mr. Brannon Littleton (Chief Financial Officer), Ms. Camby Garner (Licensing Specialist), Ms. Angela Warr (Executive Assistant), and Ms. Renee' Reames (recording secretary).

CALL TO ORDER
The meeting was called to order at 10:08 a.m. by Mr. Jeremy Atchley, Board Chair. Mr. Warren called member roll and reported that a quorum was present to conduct business. The meeting was advertised on the Board's website, www.aecb.alabama.gov, and the Secretary of State's website, www.sos.alabama.gov, in accordance with requirements of the Alabama Open Meetings Act. Mr. Warren read the Opening Statement regarding Robert's Rules of Order and the Alabama Open Meetings Act. Travel expense reports were completed by attending Board members and accepted by the Board.

APPROVAL OF MEETING AGENDA
Chairman Atchley presented a copy of the proposed agenda for the May 20, 2024, Board meeting.
MOTION: Mr. Rogers made the motion to accept the amended meeting agenda to review applications as the first order of business and new business as the last order of business. The motion was seconded by Mr. Wallace and unanimously approved by the Board.

REVIEW AND APPROVAL OF APPLICATIONS
Mr. Barrows presented the licensure applications for the Board's approval.
MOTION: Mr. McCreless made the motion to approve the Electrical Contractors Applications by Reciprocity as presented by Mr. Barrows (list available in the Board's official Book of Minutes). The motion was seconded by Mr. Lamborne and unanimously approved by the Board.

MOTION: Mr. Lamborne made the motion to approve the Journeyman Electrician Applications for Examination as presented by Mr. Barrows (list available in the Board's official Book of Minutes). The motion was seconded by Mr. Grimes and unanimously approved by the Board.

MOTION: Mr. Wallace made a motion to approve the three Continuing Education Provider applications from ESCO Group, @-Leisure Contractor Licensing LLC, and Continuing Education and Development Inc. as reviewed and presented. The motion was seconded by Mr. Freeman and unanimously approved by the Board.

MOTION: Mr. McCreless made a motion to approve the Electrical Contractor Applications for Examination as reviewed by the Board (list available in the Board's official Book of Minutes). The motion was seconded by Mr. Grimes and unanimously approved by the Board.

ADOPTION OF MINUTES
Chairman Atchley presented for the Board's approval a copy of the minutes from the March 18, 2024, regular meeting of the Board. The Board members were provided with a copy of the March minutes prior to the meeting for their review.
MOTION: Mr. McCreless made a motion to approve the March meeting minutes as presented. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

EXECUTIVE DIRECTOR REPORT
Mr. Warren presented the Executive Director's Report (available in Official Book of Minutes) that included licensure activities since the last Board meeting and report on the current number of licenses, along with the status of complaints for fiscal years 2023 and 2024. He also reviewed the financial activities for the period ending April 30, 2024, and provided the Board a copy of the cash reconciliation report and detailed list of obligations vs. budget for this same period.

Mr. Littleton presented summary information on Smith Warren's management service to include personnel roles, benefits of an equipped office and cost comparison of management services vs. the Board operating independently (report available in the Board's official Book of Minutes).

MOTION: Mr. Lamborne made a motion to accept the Financial Report as presented. The motion was seconded by Mr. Freeman and unanimously approved by the Board.

Mr. Warren reported that Board communications dated April 30, 2024 (letter available in the Board's official Book of Minutes) had been mailed to the current active Provisional licensees notifying the licensees that the continued renewal of Provisional licenses had been approved by the Legislature and the communications stated that the Provisional licensees would be receiving further notification about the process to renew Provisional licenses.

Mr. Warren reported that the Board was scheduled for Sunset in 2025 and an audit was anticipated in early Fall 2024.

Chairman Atchley commented on the negative statements and allegations toward the Board by members of the Legislature, and Chairman Atchley indicated that it was the Board's duty to review the allegations. He commented that the Board had worked tirelessly to protect the public and would need documentation and solid proof in addressing the allegations, which would be discussed later in the Board meeting.

LEGAL COUNSEL REPORT
Mrs. Coody reported that the Investigative Committee (IC) had a list of cases for the Board's consideration (available in the official Book of Minutes). Mr. James presented the IC recommendations and reported that Chairman Atchley was recused from voting on these matters as a member of the Committee.

- Cases founded and recommended the cases be closed by a cease and desist order issued in the field: Cases 2024-054.01, 2024-056 and 2024-060 (one respondent), 2024-059, 2024-061, 2024-062, 2024-064, 2024-065, 2024-066, 2024-067, 2024-068, 2024-069, 2024-071, and 2024-074.
- Close cases due to no probable cause and unfounded: Cases 2024-045, 2024-063 and 2024-076.
- Complainant withdrew complaint and recommended to close the case: Case 2024-075.
- Case founded and assessed $1,000 fine for pulling permit for a non-licensee: Case 2024-054.02.
- Case founded, refer to District Attorney and Sheriff's Office and close as other prosecution: Case 2024-057BR.
- Case founded and cease and desist issued: Case 2024-058.
- Case founded and cease and desist issued with $1,000 fine based on number of violations: Case 2024-073.01.
- Case founded and assessed $1,000 fine for pulling permit for non-licensee: Case 2024-073.02.

MOTION: Mr. McCreless made the motion to approve the IC recommendations as presented. The motion was seconded by Mr. Rogers and unanimously approved by the Board, with Chairman Atchley recused from voting.
Mrs. Coody commented that the cease and desist orders issued in the field had been expeditious and cost effective in staff-time.

Mrs. Coody indicated that she had additional items to report on later in the meeting under New Business.

OLD BUSINESS
Update on Legislation:
Mr. Warren provided a copy of Act 2024-375 regarding the Sunset provision of the Board with a continuance date to September 30, 2025, along with other statutory changes to include a new subsection concerning Provisional licensees. The Board discussed license renewal requirements for Provisional licensees, e.g., all current active Provisional licenses expire June 30, 2024, and submission of active business license issued by the governmental jurisdictions that were affiliated with the current license, which established a geographical work area. The Board also discussed continuing to allow Provisional licensees to take the restricted examination to acquire a statewide license. Mr. Warren reported that the new law did not include continuing education requirements for Provisional licensees.
MOTION: Mr. Rogers made the motion to use the local business license for the renewal requirement to present a valid local license or permit. The motion was seconded by Mr. Wallace and unanimously approved by the Board.
The Board agreed that failure to submit a current business license for each jurisdiction would result in that geographical area being removed from the license and could not be added, therefore forfeiting future work in that area.

MOTION: Mr. Grimes made the motion to extend the restricted examination through June 30, 2025, to allow current Provisional licensees to obtain a statewide license. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

Mr. Warren reported that he would work toward developing online renewals for Provisional licenses that allowed uploading of supporting documents. He reported that most of the Provisional licensees did not have email addresses on file with the Board and electronic access may not be widely used.

Mr. Warren reported that SB101 regarding HACR Board did pass into law, after the electrical language was removed. He also reported that SB180 concerning the PGF Board did not pass. The Board expressed strong concern about being unaware of the development of the proposed bills containing electrical services and indicated that it was Administration's responsibility to keep the Board informed about the legislative activities and temperament.

Chairman Atchley called a recess of the Board at 11:18 a.m. for approximately 30 minutes for lunch.
Chairman Atchley reconvened the business meet at 11:50 a.m.

<u>Review of Administrative Duties and Executive Director:</u>
The Board discussed gathering information to address the allegations by members of the Legislature concerning the Board. Mr. Warren had previously provided to the Board a copy of the Sunset and Legal audits, Board meeting minutes, contractual information for Smith Warren management services and Mr. Lambert's employment, overview of staff employed by Smith Warren, Board appointment communications, etc. Mr. Warren reported that the staff member (retired state employee), Alva Lambert, had resigned effective May 16, 2024. The Board discussed the employee's duties and submitted timesheets since approved effective January 1, 2024.
MOTION: Mr. Grimes made the motion to request a detailed report to accompany the billed hours submitted by Mr. Lambert, indicating a breakdown of meetings attended and with whom, concerning billed hours. The motion was seconded by Mr. Wallace and unanimously approved by the Board. The Board asked that this information be submitted to the Board within 30 days of the request.

The Board discussed obtaining other documentation to address the accusations and to demonstrate the legal operations of the Board. The members discussed the multiple attempts by the Board since 2012 to propose legislation to correct the audit findings concerning Provisional licensing. The Board deliberated on the cost of an external audit and the members commented that no suspicious, illegal activities, or accusations had been identified in legal and Sunset audits concerning the Board's operations. The Board agreed that to disprove the allegations, the Board would conduct their due diligence in protecting the good name and reputation of the Board and management.
MOTION: Mr. Grimes made the motion to request an external audit. The motion was seconded by Mr. Rogers and unanimously approved by the Board.
MOTION: Mr. Wallace made the motion to have conducted an external, ethical, forensic audit for the period of October 2021 to-date, with work performed first toward a forensic audit. The motion was seconded by Mr. Grimes and unanimously approved by the Board.
MOTION: Mr. Grimes made the motion to authorize the Board's Attorney and Mr. McCreless to select and recommend an audit firm to conduct the audit. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

Chairman Atchley appointed Mr. McCreless as chairman of the committee to select an audit firm. The Board discussed having a special meeting to approve the audit firm.

MOTION: Mr. Lamborne made the motion to have an external audit conducted every three years. The motion was seconded by Mr. Wallace and unanimously approved by the Board.
Mr. Grimes requested a list of aged accounts and new vendors for the Board's review.

Mr. Grimes reported that he had been contacted by Mr. Pat McWhorter to get his comments and impression about other Board members' feelings concerning a conversation Mr. McWhorter had with Mr. Warren about selling Smith Warren Management Services. The Board inquired with Mr. Warren about plans to sale the management business. Mr. Warren commented that he was not prepared to present any information about the sale of his company, since it had not risen beyond an inquiry by someone showing interest in purchasing the company. He stated that he was not aware that Mr. McWhorter would be calling Board members and that he had not been contacted by any Board member about the sale of his company. Mr. Warren reported that the inquiry he received about selling the business was unsolicited and was in the preliminary stage of someone showing interest and not to the level of announcing to the Board and to any client. The Board and Mrs. Coody commented on the Board's current contractual agreement for management services and potential jeopardy of contract terms if the business were sold. Mr. Warren reported that he was considering the sale of the company, after having been approached on the matter, and he commented on the difficulty and stress he had experienced during the past legislative sessions, by the negative accusations by some legislators about him personally and his company, jeopardizing his livelihood. He commented on the damage, resulting in political suicide and the negative effect on the Board being associated with his name, and remarked on his thoughts to sale and step away from the business and move and assume a position with a national organization.

Mrs. Coody reported that she had contacted State Personnel, at the direction of the Board, and was informed that the Board could employ an Executive Director as a State employee, along with 4 additional staff members. The Board discussed establishing a committee to consider employing an Executive Director as a State employee or considering obligations under the current contract if there were changes in the management of the Board. The Board requested a further breakdown of the cost of operating the Board in addition to the information that was provided to the Board earlier in the meeting by Mr. Littleton.

Based on the Board's concerns about the future viability of the management services contract with Smith Warren, Mrs. Coody reported that she could inquire with State Procurement about requirements in fulfilling the current contract specifications if ownership of the management company were to change and a report could be provided at a special meeting of the Board and the Board agreed. Mr. Warren reminded the Board that the management contract renewal cycle, and in consideration of the review and approval timetable of the Board, Procurement Office and Contract Review, the contract was a tentative agenda item for the July Board meeting, before the contract expired in September.

<u>Annual Election of Board Officers:</u>
Mrs. Coody reviewed §34-36-4 of the Board's statute concerning annual election of Board officers and she recommended that the elections be postponed based on no member was eligible at this time due to the expired terms.
MOTION: Mr. Wallace made the motion to delay the election of offices to allow time for new appointments to be made by the Governor. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

ANNOUNCEMENTS

Chairman Atchley reminded the members that the next regularly scheduled meeting of the Board was July 22, 2024, and there had been discussions about scheduling a special meeting of the Board.

ADJOURNMENT

Chairman Atchley called for other business and there were none.

MOTION: Mr. Rogers made a motion to adjourn the meeting. The motion was seconded by Mr. Freeman, and having no objections from the members, Chairman Atchley adjourned the meeting at 2:26 p.m.

Respectfully submitted,

Jeremy Atchley
Board Chair

Keith E. Warren
Executive Director

Approved on ___________________________________/rr____